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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) CR 01-20154 JF
Plaintiff,)
v.) STIPULATION TO CONTINUE
CUONG CHI VUONG,) HEARING ON DEFENDANT'S MOTION
Defendant.) TO SUPPRESS STATEMENTS AND
) [PROPOSED] ORDER

It is hereby stipulated by and between counsel for the UNITED STATES, Assistant U.S. Attorneys James T. Chou and Shawna Yen, and counsel for the Defendant Cuong Chi Vuong, Vicki H. Young, Esq., that the date set for the hearing on the defendant's pretrial motion to suppress statements be continued from November 14, 2007 to November 28, 2007 at 9:00 a.m. This continuance is necessary because counsel for the government is unavailable on November 14, 2007, and the next available date for counsel is November 28, 2007. Therefore the ends of justice served by such a continuance outweigh the best interest of the public and the defendant in a Speedy Trial within the meaning of Title 18 U.S.C. §3161(h)(8)(A).

The parties stipulate that the time between November 14, 2007 and November 28, 2007

1 shall be excluded from the period of time within which trial must commence under the Speedy
2 Trial Act, 18 U.S.C. § 3161 et seq., pursuant to Title 18, United States Code, Section
3 3161(h)(8)(A), considering the factors set forth in Section 3161(h)(8)(B). As required by 18
4 U.S.C. §3161(h)(8)(B)(iv), it is stipulated that the ends of justice outweigh the best interest of
5 the public and the defendant in a speedy trial in order to ensure continuity of counsel. 18 U.S.C.
6 §3161(h)(8)(B)(iv).

7 Additionally, under title 18 U.S.C. § 3161(h)(1)(F), the period of delay resulting from
8 any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or
9 other prompt disposition of such motion, is excluded from the Speedy Trial calculation. Since
10 Cuong Chi Vuong's Motion to Suppress Statements has been filed, but the hearing on the motion
11 has not been concluded, the period of time between November 14, 2007 and November 28, 2007
12 is excluded from the Speedy Trial clock.

13 It is so stipulated.

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15 Respectfully submitted,

16 Dated: 10/25/07

SCOTT N. SCHOOLS
UNITED STATES ATTORNEY

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/S/

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JAMES T. CHOU
SHAWNA YEN

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Dated: 10/25/07

/S/

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) CR 01-20154 JF
14 Plaintiff,) [PROPOSED] ORDER TO CONTINUE
15 v.) HEARING ON DEFENDANT'S MOTION
16 CUONG CHI VUONG,) TO SUPPRESS STATEMENTS
17 Defendant.)

19 Based on the stipulation of the parties and for good cause shown,

IT IS HEREBY ORDERED that the hearing on defendant Cuong Chi Vuong's motion to suppress statements is continued from November 14, 2007 to November 28, 2007 at 9:00 a.m.

IT IS FURTHER ORDERED that the period of time from November 14, 2007 through
and including November 28, 2007 shall be excluded from the period of time within which trial
must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., pursuant to Title 18,
United States Code, Sections 3161(h)(1)(F) and 3161(h)(8)(A), considering the factors set forth
in Section 3161(h)(8)(B). The basis for such exclusion is the government counsel is unavailable
on November 14, 2007, and the next available date is November 28, 2007. The Court finds that

1 the ends of justice served by this continuance outweigh the best interests of the public and the
2 defendant in a speedy trial to ensure continuity of counsel.

3 In addition, the time between November 14, 2007 and November 28, 2007 is excludable
4 under title 18 U.S.C. § 3161 (h)(1)(F), which provides that the period of delay resulting from any
5 pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other
6 prompt disposition of such motion, is excluded from the Speedy Trial calculation. Since Cuong
7 Chi Vuong's Motion to Suppress Statements has been filed, but the hearing on the motion has
8 not been concluded, the period of time between November 14, 2007 and November 28, 2007 is
9 excluded from the Speedy Trial clock.

10 Dated this 20th day of October, 2007.

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13 JEREMY FOGEL
United States District Judge
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A handwritten signature in blue ink, appearing to read "JEREMY FOGEL", is written over a horizontal line. Below the line, the name "JEREMY FOGEL" is printed in a standard font, followed by "United States District Judge".

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